

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 23-00119-01-CR-W-DGK
	)	
JOSHUA L. ALLEY,	)	
	)	
Defendant.	)	

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

**PENDING CHARGE:** On May 30, 2023, the Grand Jury returned a three-count Indictment charging Defendant Joshua L. Alley with possession of methamphetamine with intent to distribute (Count One), possession of a firearm in furtherance of drug trafficking (Count Two), and being a felon in possession and an unlawful user of a controlled substance in possession of a firearm and ammunition (Count Three).

The following matters were discussed and action taken during the pretrial conference:

**TRIAL COUNSEL:**

Government: William A. Alford, III and David Barnes  
Case Agent: Detective Steve Cook  
Paralegal: possibly Geoffrey Gorup  
Defense: Stephen C. Moss and Lesley Diana Smith  
Investigator: Gina Slack

**OUTSTANDING MOTIONS:**

11/14/2023	<a href="#">view34</a>	REPORT AND RECOMMENDATION as to Joshua L Alley re <a href="#">24</a> Motion to Suppress Statements. Objections to R&R due by 11/28/2023. Signed on 11/14/2023 by Magistrate Judge Lajuana M. Counts. (Bliss, Sue) (Entered: 11/14/2023)
09/01/2023	<a href="#">view24</a>	MOTION to suppress <i>statements</i> by Joshua L Alley. Suggestions in opposition/response due by 9/15/2023 unless otherwise directed by the court. (Moss, Stephen) (Entered: 09/01/2023)

**TRIAL WITNESSES:**

Government: 7 with stipulations; 10 without stipulations

Defendant: 5 witnesses, including the Defendant  
**TRIAL EXHIBITS:**

Government: approximately 50 exhibits  
Defendant: approximately 20 exhibits

**DEFENSES:** General Denial

**POSSIBLE DISPOSITION:**

( ) Definitely for trial; (X) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 2½ days total**

Government's case including jury selection: 2–2½ day(s)  
Defendant: ½ day(s)

**STIPULATIONS:** The parties have stipulated to interstate nexus and prior felony conviction status.

**UNUSUAL QUESTIONS OF LAW:** Potential 404(b) regarding attempt to escape as evidence of consciousness of guilt.

**FILING DEADLINES:**

**Witness and Exhibit Lists**

Government: None filed. **Due on or before November 21, 2023.**  
Defendant: None filed. **Due on or before November 21, 2023.**

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions: Due on or before November 29, 2023.**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**Motion in Limine: Due on or before November 29, 2023.**

**TRIAL SETTING:** Criminal jury trial docket set for December 4, 2023.

**Please note:** The Government is flexible. Defense counsel prefers the second week due to recovery time following surgery.

**IT IS SO ORDERED.**

/s/ Lajuana M. Counts  
LAJUANA M. COUNTS  
UNITED STATES MAGISTRATE JUDGE